

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH WILSON,)	
)	
Plaintiff(s),)	No. C07-3431 BZ
)	
v.)	Related Case: C07-5642 BZ
)	
COMPASS VISION INC., et al.,)	ORDER DENYING MOTION TO STAY
)	AND RESCHEDULING JURY TRIAL
)	AND PRETRIAL MATTERS
Defendant(s).)	
_____)	

Following a status conference held on Monday, June 1, 2009, at which all parties were represented by counsel and at which Maximus, Inc. made a special appearance through counsel, **IT IS HEREBY ORDERED** that defendant Compass Vision, Inc.'s motion to stay is **DENIED**. It is further **ORDERED** that the current trial and pretrial dates are **VACATED** and that the Revised Order Scheduling Jury Trial And Pretrial Matters (Doc. No. 99) is modified as follows:

1. TENTATIVE DATES

Trial Date: **Monday, 5/10/2010, 20 days**

Pretrial Conference: **Tuesday, 4/20/2010, 3:00 p.m.**

Last Day to Hear Dispositive Motions: **Wednesday, 3/17/2010**

1 Last Day for Expert Discovery: **Friday, 2/19/2010**

2 Last Day for Rebuttal Expert Disclosure: **Friday, 2/12/2010**

3 Last Day for Expert Disclosure: **Friday, 2/5/2010**

4 Close of Non-expert Discovery: **Friday, 1/29/2010**

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6 Dated: June 3, 2009

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8 Bernard Zimmerman
9 United States Magistrate Judge
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ATTACHMENT 1

The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of each party's position on the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

(2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(3) Trial Preparation.

A brief description of the efforts the parties have

made to resolve disputes over anticipated testimony, exhibits and witnesses.

(A) Witnesses to be Called. In lieu of FRCP 26(a)(3)(A), a list of all witnesses likely to be called at trial, other than solely for impeachment or rebuttal, together with a brief statement following each name describing the substance of the testimony to be given.

(B) Estimate of Trial Time. An estimate of the number of court days needed for the presentation of each party's case, indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.

(C) Use of Discovery Responses. In lieu of FRCP 26(a)(3)(B), cite possible presentation at trial of evidence, other than solely for impeachment or rebuttal, through use of excerpts from depositions, from interrogatory answers, or from responses to requests for admission. Counsel shall state any objections to use of these materials and that counsel has conferred respecting such objections.

(D) Further Discovery or Motions. A statement of all remaining motions, including Daubert motions.

(4) Trial Alternatives and Options.

(A) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.

(B) Amendments, Dismissals. A statement of requested or

1 proposed amendments to
2 pleadings or dismissals of
parties, claims or defenses.

3 (C) Bifurcation, Separate Trial of
4 Issues. A statement of whether
bifurcation or a separate
5 trial of specific issues is
feasible and desired.

6 (5) **Miscellaneous.**

7 Any other subjects relevant to the trial of the action,
8 or material to its just, speedy and inexpensive
determination.

ATTACHMENT 2

USDC
Case No. CV07-03431 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-03431 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-03431 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

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PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-03431 BZ
DEFT Exhibit No. _____

Date Entered _____

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